

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

TOM BUNCH,

§

Plaintiff,

§

VS.

§

CIVIL ACTION NO. H-14-1570

§

MATTHEW SWALINKAVICH,

§

Defendant.

§

ORDER STAYING PROCEEDINGS AND ADMINISTRATIVELY CLOSING CASE

The defendant, Matthew Swalinkavich pka Makana, filed a motion to stay proceedings and administratively close this case. (Docket Entry No. 13). The parties' dispute arises from their Exclusive Management Agreement, under which Bunch agreed to provide professional talent management services to Makana in return for commissions on Makana's performance engagements and other talent-related earnings. Bunch claims that he is owed unpaid commissions. Makana alleges that he terminated the Management Agreement, ending his obligation to pay Bunch.

Makana filed a petition to determine controversy with the California Labor Commission, alleging violations of the California Talent Agency Act. Makana seeks an order from the California Labor Commission that the Management Agreement is void and unenforceable. Makana asks this court to stay and administratively close this case pending the California Labor Commissioner's decision on whether the Management Agreement is void. No opposition has been filed. The motion is granted. This case is stayed and administratively closed. Either party may move to reinstate the case to the court's active docket, provided that the motion to reinstate is filed within 14 days after the California Labor Commission issues its ruling.

SIGNED on December 12, 2014, at Houston, Texas.



Lee H. Rosenthal
United States District Judge